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15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 RYAN OSWALD, Derivatively on Behalf of
20 Nominal Defendant IDENTIV, INC.,

21 Plaintiff,

22 vs.

23 STEVEN HUMPHREYS, JASON HART,
24 JAMES OUSLEY, GARY KREMEN, SAAD
25 ALAZEM, DANIEL S. WENZEL, and BRIAN
26 NELSON,

27 Defendants,

28 and

IDENTIV, INC.,

Nominal Defendant.

CASE NO. 3:16-CV-00241-CRB

**STIPULATION AND ORDER
CONTINUING HEARING DATE AND
SETTING BRIEFING SCHEDULE ON
NOMINAL DEFENDANT IDENTIV,
INC.'S MOTION TO DISMISS**

Judge: Hon. Charles R. Breyer

Courtroom: 6

1 WHEREAS, this action is a shareholder derivative action filed on January 14, 2016;

2 WHEREAS, this action is factually related to a putative class action alleging violations of
3 federal securities laws that is also pending before this Court: *Rok v. Identiv, et al.*, Case No. 15-
4 cv-05775-CRB (the “Securities Class Action”);

5 WHEREAS, on March 3, 2016, the Parties filed a Stipulation and Proposed Order
6 regarding a temporary stay of this action and setting a schedule for filing Plaintiff’s Amended
7 Complaint and Identiv, Inc.’s (“Identiv”) response to that complaint (Docket No. 14), which the
8 Court approved on March 8, 2016 (Docket No. 15);

9 WHEREAS, on June 17, 2016, Plaintiff filed his Amended Complaint (Docket No. 21);

10 WHEREAS, on August 1, 2016, Identiv filed its Motion to Dismiss and noticed a hearing
11 on the Motion for September 16, 2016 (Docket No. 22);

12 WHEREAS, Plaintiff’s response to the Motion to Dismiss is currently due August 15,
13 2016;

14 WHEREAS, in light of the short period of time for Plaintiff to respond to the Motion to
15 Dismiss under the current briefing schedule and Plaintiff counsel’s pre-existing summer schedule,
16 as well as the Court’s current availability, Plaintiff has requested that Identiv agree to an
17 extension of the current briefing schedule and a continuance of the current hearing date;

18 WHEREAS, Identiv has no objection to this request; and

19 NOW, THEREFORE the Parties respectfully request that the Court enter an Order as
20 follows:

21 1. Plaintiff’s response in opposition to the Motion to Dismiss is due September 1,
22 2016.

23 2. Defendants’ reply in further support of the Motion to Dismiss is due September
24 30, 2016.

25 3. A hearing on the Motion to Dismiss will be held on October 14, 2016, or at
26 another date and time as the Court may order.

27 IT IS SO STIPULATED.

1 Dated: August 4, 2016

SCHUBERT JONCKHEER & KOLBE LLP
Robert C. Schubert
Willem F. Jonckheer

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3
4 By: /s/ Willem F. Jonckheer
WILLEM F. JONCKHEER

5 Robert I. Harwood
6 Matthew M. Houston
7 Benjamin I. Sachs-Michaels
HARWOOD FEFFER LLP

8 *Attorneys for Plaintiff Ryan Oswald*

9
10 DATED: August 4, 2016

PAUL HASTINGS LLP

11 By: /s/ Christopher H. McGrath
CHRISTOPHER H. MCGRATH

12 *Attorneys for Nominal Defendant Identiv, Inc.*

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15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Dated: August 8, 2016

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HONORABLE CHARLES R. BREYER